

Serial No.: 10/065,413 (Docket No. U02-0003.16)

Remarks/Arguments

Claims 1-15 are pending in this application. No claims have been amended. Claims 1-15 will still be pending upon entry of this response. Applicant believes no additional fee is due at this time.

The Examiner has rejected claim 1, 2, 4-7, 10, 11, 13, and 14 under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent 6,717,547 to Spilker et al. ("Spilker") in combination with U.S. Patent 6,522,297 to Rabinowitz et al. ("Rabinowitz"). The Applicant respectfully disagrees with the Examiner's characterization of this art and the Examiner's application of this art to Applicant's claims. In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. 2143.03. There are recitations in all of Applicant's independent claims, and thus in all of Applicant's claims through dependency, which are not fairly taught or suggested by either Spilker or Rabinowitz.

For example, Applicant's claims 1, 10, and 13 all include a recitation of a "**common** filter operatively connected to the radio subsystem and the ranging signal receiving subsystem." (Emphasis added.) Additionally, the ranging receiving subsystem is specifically claimed as receiving DTV signals. The Examiner cites col. 14, lines 34-45 and elements 812A and B from the figures, where an ordinary IF filter is shown. However, the language is of Applicant's claims is very precise and simply finding the word "filter" in a reference, regardless of the type of filter it is, does not show that a common filter connected to two subsystems, where one is a ranging subsystem that uses DTV signals. The ranging subsystem presented in Spilker that uses the IF filter to which the Examiner refers uses GSM signals, not DTV signals. Spilker does not discuss or show any common components at all, much less a common filter of a specific bandwidth connected to two subsystems. In fact, Spilker does not describe any details of the components that might be used for one of the subsystems at all, namely, the DTV subsystem.

Applicant reiterates that the detailed block diagram of Fig. 8 on which the Examiner repeatedly relies shows only a system that receives ordinary GSM telephone signals and ranges using only these GSM signals. Spilker may mention that the mobile terminal can include DTV capability, but this capability is not described or shown in detail anywhere in

Serial No.: 10/065,413 (Docket No. U02-0003.16)

Spilker, much less in Fig. 8, and there is no discussion of using common components for this capability. One could only presume that separate circuitry would be used, as suggested in the references incorporated.

Further, independent claims 1, 10, and 13 all recite "correlating the DTV signal with a known sequence that has been predistorted." The Examiner points to specific discussions in Rabinowitz as disclosing this recitation of Applicant's claims, citing: col. 6, lines 43-52; col. 11, lines 10-24 and lines 49-53; col. 11, line 58 - col. 12, line 9; col. 12, line 60 - col. 13, line 3; col. 14, lines 13-34; and Figures 4, 13, and 15 of Rabinowitz. Applicant has examined these sections of Rabinowitz and can find no mention of predistortion or the use of a predistorted sequence as recited in Applicant's claims. Thus, this recitation, which is in all of Applicant's claims either directly, or through dependence, is also missing from the cited art.

Applicant submits that, since the independent claims are patentable over Spilker and Rabinowitz, then the claims that depend from them are patentable for at least those same reasons. However, specifically with respect to claims 4-7, which each recite a shared mixer or a shared mixer in combination with a shared amplifier, Applicant points out that neither Spilker nor Rabinowitz discuss or show any such components that are common or "shared" between two receiving subsystems. Therefore, claims 4-7 are patentable for at least these additional reasons.

The Examiner has rejected claims 3, 8-9, 12, and 15 as obvious under 35 U.S.C. § 103(a) in view of Spilker in combination with Rabinowitz, further in combination with U.S. published patent application 2002/0144294. Applicant points out that all of these claims depend from independent claims already discussed, and are patentable for at least those same reasons. However, Applicant points out that claims 8 and 9 each recite a shared mixer or a shared mixer in combination with a shared amplifier. Applicant points out that none of these references discuss or show any such components that are common or "shared" between two receiving subsystems. Therefore, claims 8 and 9 are patentable for at least these additional reasons.

Applicant believes he has responded to all of the concerns raised by the Examiner and that the application is in condition for allowance. Entry of this response and reconsideration

Serial No.: 10/065,413 (Docket No. U02-0003.16)

of this application as amended is hereby requested. If the Examiner has any questions about the present response, a telephone interview is requested.

Respectfully submitted,

Date: 6/23/06

Telephone: (919) 286-8000
Facsimile: (919) 286-8199



Steven B. Phillips
Attorney for Applicant
Registration No. 37,911
Moore & Van Allen PLLC
P.O. Box 13706
Research Triangle Park, NC 27709